

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

MELISSA THORNER,

Plaintiff,

v.

CIVIL ACTION NO. 3:18-cv-00360

COLUMBIA GAS TRANSMISSION, LLC,

Defendant.

MEMORANDUM OPINION AND ORDER

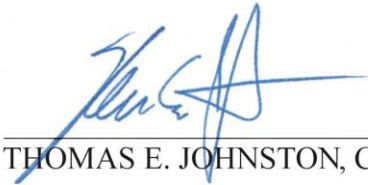
Before the Court is Defendant's Motion for Preliminary and/or Permanent Injunction. (ECF No. 10.) The Court held a hearing on the motion on March 23, 2018. For reasons more fully stated on the record at that hearing, the Court **GRANTS** the motion and **EXTENDS** the Court's March 5, 2018, memorandum opinion and order in *Columbia Gas Transmission, LLC v. 466.19 Acres of Land*, Civil Action No. 2:18-cv-00044, ECF No. 217, to the parcel of land at issue in the above-styled case. Defendant may immediately access and possess the relevant easement after satisfying the conditions set forth in the Court's extended memorandum opinion and order. Consistent with those conditions, the Court further **ORDERS** Defendant to deposit funds and a surety bond prior to accessing and taking possession of Plaintiff's property.¹

¹ At the hearing, the parties agreed that an appraisal has not been conducted regarding the easement on Plaintiff's property. The parties also stipulated to use for purposes of posting a security deposit and surety bond related to Plaintiff's property the originally negotiated price of \$71,995. Thus, Defendant shall deposit with the Clerk a certified check in an amount of three times that negotiated value with credit for \$50,000 already tendered to Plaintiff. Further, Defendant shall obtain and post a surety bond in the total amount of two times the negotiated amount. Lastly, pursuant to Federal Rule of Civil Procedure 71.1(j)(2), if Plaintiff wishes to draw on the deposited funds, she can only access up to the remaining \$21,995 of the agreed price of \$71,995 as she has already received \$50,000.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 23, 2018

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE